

APR 28 2009

Mr. Joseph DiMura, P.E., Director
Bureau of Water Compliance
Division of Water, 4th Floor
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3506

Dear Mr. DiMura:

This letter documents agreement between the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (EPA), Region 2 regarding NYSDEC's revised Nutrient Standards Plan. The original "mutually-agreed-upon" Nutrient Standards Plan was submitted by NYSDEC to EPA on September 29, 2004. This plan was subsequently updated in January of 2006 and in February of 2008. On April 15, 2009 NYSDEC submitted the most recent update of its original plan to EPA. EPA has reviewed NYSDEC's revised plan.

In the revised plan, NYSDEC provides a summary of the progress made to date and outlines how they expect to continue to move forward with nutrient criteria development. NYSDEC will first establish nutrient criteria, as guidance values, for: 1) aquatic life in rivers and streams (wadeable and non-wadeable), 2) human health in ponded waters, and 3) recreational use in ponded waters. It is anticipated that guidance values for the above uses and waters will be proposed by March 31, 2010. New York may subsequently propose these values as standards in a future rulemaking. NYSDEC will then establish nutrient criteria, as guidance values, for the remaining water uses and types in a second administrative action tentatively scheduled for 2012.

NYSDEC should continue to provide annual progress updates to EPA. Based on these progress reports, EPA may recommend and NYSDEC may propose additional changes to the plan. In the event that NYSDEC significantly changes its plan, EPA will update this letter as appropriate.

We are very pleased with NYSDEC's progress as documented in the revised plan. We look forward to continuing to work with NYSDEC in the development of these nutrient criteria for New York State.

Sincerely yours,

Jeffrey F. Gratz, Chief
Clean Water Regulatory Branch

cc: Scott J. Stoner, M.S., Chief, Standards and Analytical Support Section, NYSDEC

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